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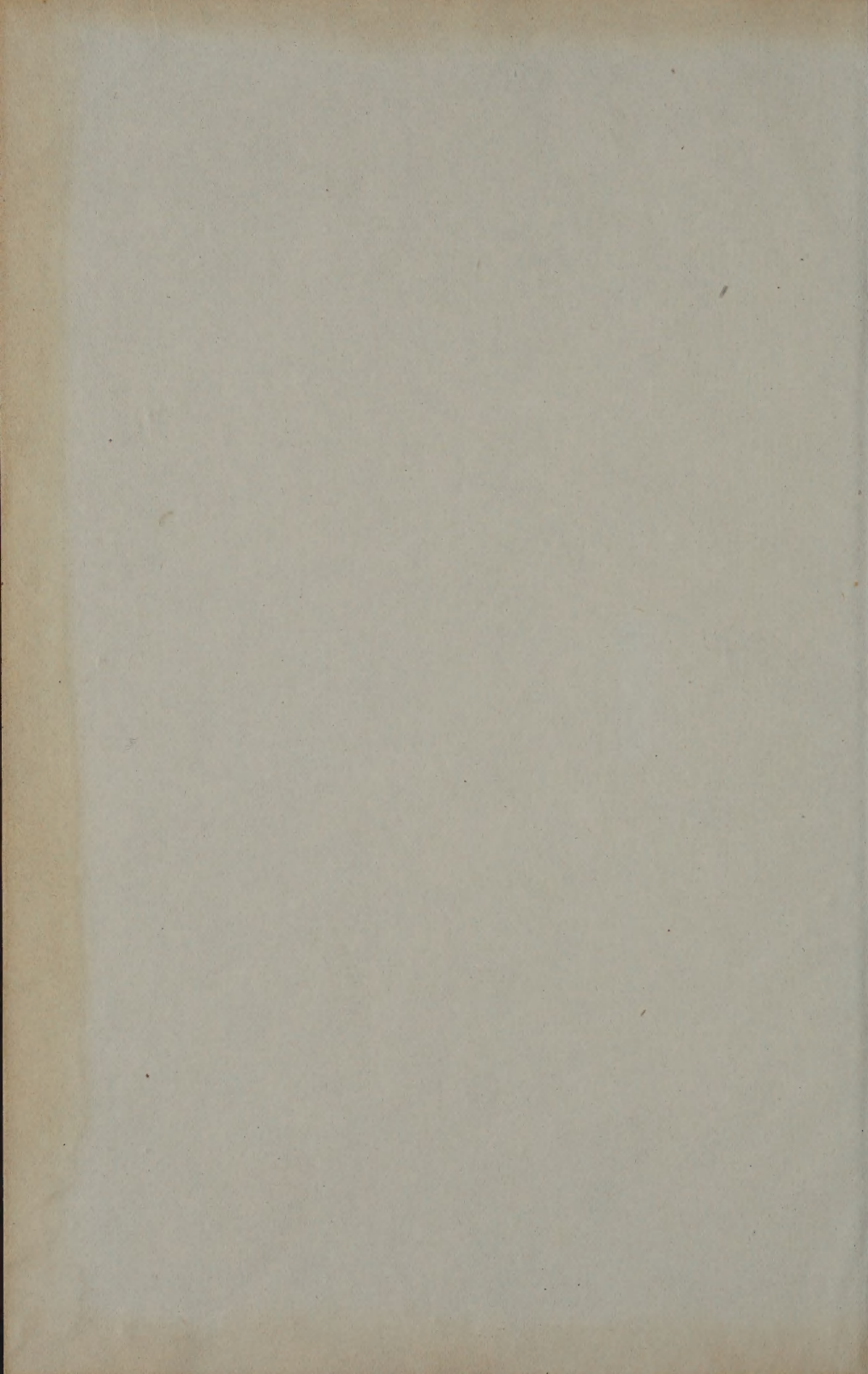
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Extra



HOUSE JOURNAL
OF THE
EXTRAORDINARY SESSION
OF THE
LEGISLATIVE ASSEMBLY
OF THE
TERRITORY OF MONTANA,

BEGUN AND HELD AT VIRGINIA CITY, THE CAPITAL OF SAID
TERRITORY, ON SATURDAY, DECEMBER 14, A. D. 1867,
AND CONCLUDED DECEMBER 24, A. D. 1867.

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1869.

FEDERAL OFFICERS.

Governor,

GREEN CLAY SMITH, VIRGINIA CITY.

Secretary,

JAMES TUFTS, VIRGINIA CITY.

Judiciary,

1st District—HEZEKIAH L. HOSMER, *Chief Justice*, VIRGINIA CITY.

2d District—LORENZO P. WILLISTON, *Associate Justice*, DEER LODGE.

3d District—LYMAN E. MUNSON, *Associate Justice*, HELENA.

U. S. District Attorney,

J. S. SLATER, VIRGINIA CITY.

U. S. Marshal,

NEIL HOWIE, HELENA.

Collector of Customs,

JOHN X. BEIDLER, HELENA.

TERRITORIAL OFFICERS.

Auditor,

WILLIAM H. RODGERS, VIRGINIA CITY.

Treasurer,

W. G. BARKLEY, VIRGINIA CITY.

Sup't Public Instruction,

T. F. CAMPBELL, HELENA.

Prison Commissioners,

FRANK WELLS, RADERSBURG.

THOMAS L. IRWINE, DEER LODGE.

PHILIP E. EVANS, SHERIDAN.

Prison Warden,

THOMAS B. WADE, VIRGINIA CITY.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

W. STEWART, *Speaker*.
J. M. ANDERSON.
N. C. BOSWELL.
H. R. COMLY.
W. H. EDWARDS.
JAMES GALLAHER.
H. A. KENNERLY.

F. E. W. PATTON.
J. W. RHODES.
JNO. A. SIMMS.
W. TENNANT.
J. R. WESTON.
SAM. WORD.

A. H. BARRETT, *Chief Clerk*.
F. A. SHIELDS, *Assistant Clerk*.
J. G. McLAIN, *Engrossing Clerk*.

WILLIAM BUTTS, *Enrolling Clerk*.
O. P. THOMAS, *Serg't-at-Arms*.
H. J. HILL, *Doorkeeper*.

MEMBERS OF THE COUNCIL.

CHAS. S. BAGG, *President*.
JOHN W. CORUM.
W. E. CULLEN.
ALEXANDER DAVIS.

SAMPLE ORR.
JASPER RAND.
THOMAS WATSON.

THOMAS B. WADE, *Secretary*.
C. C. MENAUGH, *Assistant Secretary*.
H. H. SHOWERS, *Engrossing Clerk*.

D. B. JENKINS, *Enrolling Clerk*.
STEPHEN R. ELWELL, *Serg't-at-Arms*.
JOHN THOMPSON, *Doorkeeper*.

Rt. REV. BISHOP D. S. TUTTLE, *Chaplain*.

HOUSE JOURNAL.

EXTRAORDINARY SESSION.

FIRST DAY.

DECEMBER 14, 1867.

The House met pursuant to the Governor's Proclamation concerning an extra session. Mr. Stewart, Speaker, in the chair.

Roll called.

The following members answered to their names: Messrs. Anderson, Boswell, Comly, Edwards, Gallaher, Stewart, Weston, Word.

Absent—Mr. Simms.

The Proclamation of the Governor convening the Assembly was then read.

Prayer by the Rev. Bishop Tuttle.

Mr. Word offered the following resolution, which was adopted:

Resolved, That all the officers of this House, during the fourth session of the Legislative Assembly of the Territory of Montana, that were in office at the adjournment of said session, be, and the same are hereby chosen to discharge the duties of their respective positions during this extraordinary session.

On motion of Mr. Word, the Clerk was required to inform the Council that the House was ready for the transaction of business.

The following communication was received from the Council, through Mr. Wade, their chief Clerk :

That Mr. Corum had introduced the following resolution :

Resolved, That the House be informed by the Chief Clerk of the Council, that the Council is in session, and a quorum present, and are willing to meet the House in their room, in joint convention, at 2 o'clock this afternoon, to receive any communication the Governor may desire to make to the Legislative Assembly. December 14, 1867.

Mr. Word offered the following resolution, which was adopted :

Resolved, That the rules of the fourth session of the Legislative Assembly of the Territory of Montana be, and the same are hereby adopted as the rules of this session.

On motion of Mr. Word, the Standing Committees appointed at the fourth session were continued for the extra session.

Mr. Word offered the following resolution, which was adopted :

Resolved, That Geo. J. Rea be chosen to fill the place of 2d assistant Clerk of the House, being the position held by Mr. John Clarkson at the fourth session of this Legislature.

Mr. Weston offered the following resolution, which was adopted :

Resolved, By the House of Representatives of the Legislative Assembly of the Territory of Montana, That a Committee of three be appointed by the House, to wait upon the Council, and invite them to meet us in joint session, at 2 o'clock P. M., at the Hall of the House of Representatives, to receive any communication His Excellency the Governor may wish to make.

Messrs. Weston, Anderson, and Tennant, were appointed such Committee.

On motion of Mr. Tennant, the House took a recess until 2 o'clock P. M.

2 O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Mr. Simms.

The House went into Joint Convention, to receive the Governor's Message.

House resumed.

Roll called—Mr. Simms absent.

On motion, Judge Stafford administered the oath of office to Geo. J. Rea, Assistant Clerk.

On motion of Mr. Tennant, the Governor's Message was ordered spread upon the Journal.

Gentlemen of the Council and House of Representatives:

You have been called together in extraordinary session to complete very important and necessary laws.

When your regular session adjourned yesterday, there was lying on your tables, the Civil Practice act, the Revenue act, the Military act, and some bills were in my hands which, from their great length and importance, and the lateness of the hour reaching me before adjournment, could not be examined and reported to the Legislature.

As your session is for a special purpose, particularly to examine and pass the Civil Practice and Revenue bills, it is to be hoped that subordinate matters will not interfere with your main object. I will be allowed, however, to call your attention to the importance of circumscribing by law, the limitless power of the Executive in military affairs.

By joint memorial to Congress, passed at your last session, it was emphatically declared more than twice, that war with Indians the coming spring was imminent, and as you believed could not be avoided without certain treaties of the General Government. Now, if these treaties should not be made, if your position in the

memorial be true, and I doubt it not, an Indian war is inevitable. Who then is to assume the responsibility of calling out forces to defend the Territory? By what rule or law is any one to be controlled? The Executive is made, by the Organic Act, the Commander-in-Chief of the Militia, and of course, in cases of invasion, insurrections and outbreaks by the Indians, must assume the command and responsibility.

As matters now stand, he has the right, if he chooses to exercise it, to place any number of men in the field he chooses, and to officer them at will with any rank, and that too at the expense of the Territory.

This is all wrong, and places too much and too dangerous power in the hands of one man.

When a matter of such importance is placed at the will of one man, and no responsibility attached, if he should be a reckless and careless officer, great expense and even bankruptcy might come upon the Territory.

Experience in the States and Government has shown us the importance, nay, the absolute necessity of wholesome and proper military laws, and I do trust the Legislature will, before it adjourns, enact such laws as will meet our demands. The past expedition against the Indians, made it necessary to appoint certain officers, amongst which were an Adjutant General, Quartermaster, and Commissary. The two latter would only act nominally in times of peace, but the Adjutant General is an indispensable officer to the Executive Department at all times, especially now, as a large amount of business is to be transacted, and will be yearly, for probably all time to come.

The bill you have had under consideration, meets the demands as nearly as any that could be drawn, in my judgment, but I submit the whole matter to your consideration.

In this connection, it would be well for me to call your attention to a suggestion made in my annual message in regard to the small arms and artillery, together with the ammunition left in Helena. A small magazine was built in that city at the expense of the government, and now holds the small arms in boxes, and the ammunition. The artillery, as I learned last night for the first time, is out of doors, and being injured by exposure.

Your liberality has bestowed on Virginia City a sum sufficient to secure all here, and, I trust, in recommending an appropriation for Helena, you will be equally as kind. After inquiring into the matter, I am sure the sum of fifteen hundred dollars, the same as appropriated to build an armory here, will be sufficient to meet the demands there.

If some arrangement is not made to protect this property there, I will be compelled to remove it to the armory here; I should regret, however, to remove any of it from Helena, as it may be needed in that direction any time, and as the citizens are anxious to retain, and I think should keep a portion of the arms belonging to the Territory.

Your attention is again called to the Penitentiary question. I only refer you to a special message to the regular session upon this subject.

I feel assured that you will not allow the revenue bill to go unheeded. A measure of so much importance, and one for which this special session was called, should merit your special consideration. Under the bill as it now is, in the main, it is confidently believed by many of the best financiers of the Territory, that the debt can be almost if not entirely liquidated in twelve months.

I must again ask you to well consider the responsibility under which you should place the assessors and collectors, and their payment in proportion to the amount assessed and collected. This course certainly will bring more money into the Treasury than any other, for men will not be so energetic and close in their collections on a stated salary as when their profits depend upon their assessments and collections.

The act regulating probate courts did not receive my approval, from the fact, first, it came to me near the close of your regular session, and was of so much importance and of such great length that it could not receive that thought and attention it required; second, if the civil practice act becomes a law, many provisions of the probate act will be unnecessary; and third, because many of the provisions of the act are already in the statutes, and I could see no good reason for re-enacting the same laws. If, however, you should repass the law, I will give it a more careful reading, and come to more definite conclusion thereon.

Hoping your extra session may be pleasant, and the objects for which it was called together be accomplished in the time designated, I submit these few crude suggestions for your deliberation.

GREEN CLAY SMITH.

Mr. Word, by consent, introduced H. B. No. 1, "An Act to regulate proceedings in civil cases in the courts of justice of Montana Territory."

On motion of Mr. Word, the rules were suspended, bill read first and second time by title, and referred to the Committee of the Whole. Special order for 10½ o'clock A. M., on Monday.

Mr. Tennant gave the following notice :

MR. SPEAKER—I hereby give notice that I will, on Monday, or some subsequent day, introduce a bill, entitled "An Act to provide for organizing and disciplining the militia of the Territory of Montana."

Mr. Rhodes gave the following notice :

MR. SPEAKER—On next Monday, I will introduce "A Bill regulating the fees of officers and jurors."

On motion of Mr. Edwards, the House rule adjourning the House to 10 o'clock A. M., was suspended, and 9 o'clock was made the time for assembling.

On motion of Mr. Weston, the vote by which H. B. No. 1 was made special order for 10½ o'clock A. M., on Monday, was reconsidered, and the House went into Committee of the Whole on the bill. Mr. Weston in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Weston, chairman of the Committee of the Whole, reported as follows :

Your Committee of the Whole, to whom was referred H. B. No. 1, having had the same under consideration, report the same back to the House, and ask leave to sit again.

Report received.

On motion of Mr. Comly, H. B. No. 1 was referred to Judiciary Committee.

On motion of Mr. Kennerly, the House adjourned to 9 o'clock A. M., on Monday.

WELLINGTON STEWART,

Attest:

Speaker.

F. A. SHIELDS,

Chief Clerk.

THIRD DAY.

DECEMBER 16, 1867.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Mr. Simms.

Prayer by the chaplain.

Journal of Saturday read and approved.

Mr. Tennant introduced H. B. No. 2, "An Act to provide for organizing and disciplining the militia of the Territory of Montana."

Rules suspended, read first and second time by title, and referred to Committee on Military Affairs.

Mr. Rhodes gave the following notice:

MR. SPEAKER—On to-morrow, or some future day, I will introduce a bill changing the name of Edgerton county.

Mr. Word, chairman of the Committee on Judiciary, reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred H. B. No. 1, being "An Act to regulate proceedings in civil cases in the courts of justice of Montana Territory," beg leave to report the same back to the House, with the recommendation that the accompanying printed copy of said bill be substituted for the manuscript copy, and that the same do pass.

Report received and adopted.

And, on motion of Mr. Anderson, the vote by which H. B. No. 1 was read first and second time by title, was reconsidered, and the printed substitute to H. B. No. 1 was read first time at length.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That C. J. R. No. 1, "Requesting the Governor to furnish his views on the probate act," had passed the Council.

That Mr. Rand introduced C. B. No. 2, "An Act to provide extra compensation to James Tufts, Secretary of Montana Territory."

That Mr. Corum introduced C. B. No. 3, entitled "An Act to provide for the collection of revenue."

And that C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg, in Deer Lodge county," had passed the Council.

On motion of Mr. Comly, the House took a recess until 2 o'clock P. M.

2 O'CLOCK P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Mr. Simms.

Mr. Tennant, by consent, introduced H. J. R. No. 1, "Authorizing the Auditor to issue certain warrants."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Anderson, Comly, Edwards, Gallaher, Kennerly, Patton, Rhodes, Tennant, Weston, and Mr. Speaker—10.

Nay—Mr. Boswell.

Absent—Messrs. Simms and Word.

Title agreed to.

Mr. Gallaher gave the following notice:

MR. SPEAKER—Notice is hereby given, that I will, on to-morrow, introduce a bill for "An Act to promote the agricultural, mechanical and mineral interests in the Territory of Montana."

C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg, in said county," was read first and second time, and referred to a Select Committee of three.

Messrs. Boswell, Edwards, and Word, were appointed said committee.

C. J. R. No. 1 was read first and second time, and, on motion of Mr. Word, was laid on the table.

On motion of Mr. Tennant, the House adjourned.

FOURTH DAY.

DECEMBER 17, 1867.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Gallaher, Patton, Simms, and Word

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Rhodes introduced H. B. No. 3, "An Act changing the name of Edgerton county to Lewis and Clarke county."

Read first and second time, rules suspended, considered engrossed, read third time, by title, and passed.

Ayes—Messrs. Anderson, Boswell, Comly, Kennerly, Rhodes, Tennant, Weston, and Mr. Speaker—8.

Nays—None.

Absent—Messrs. Edwards, Gallaher, Patton, Simms, and Word.

The title was agreed to.

Mr. Tennant, by consent, introduced H. J. R. No. 2, "To pay the Superintendent of Public Instruction," which was read first and second time, and referred to Committee on Ways and Means.

Mr. Boswell moved a call of the House.

On motion, the call was dispensed with.

On motion of Mr. Comly, the House took a recess until 1½ o'clock, P. M.

1½ O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Patton and Simms.

Mr. Gallaher introduced H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana."

Read first and second time, and on motion, referred to a Select Committee of three, consisting of Messrs. Gallaher, Weston, and Boswell.

Mr. Gallaher introduced H. B. No. 5, "An Act supplementary to and amendatory of an act entitled an act to establish the boundary lines of Jefferson county."

Read first and second time, and referred to a Select Committee of three, consisting of Messrs. Kennerly, Gallager, and Boswell.

Mr. Edwards, by consent, introduced H. B. No. 6, "An Act to dissolve the bonds of matrimony existing between H. B. Steele and Roena A. Steele."

Read first and second time, and referred to a Select Committee of five, consisting of Messrs. Weston, Tennant, Edwards, Comly, and Boswell.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. J. R. No. 1, "Authorizing the Auditor to issue certain warrants," had passed the Council.

On motion of Mr. Boswell, the House adjourned.

FIFTH DAY.

DECEMBER 18, 1867.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson, Edwards, Patton, Simms, and Word.

Prayer by the Chaplain.

Journal of yesterday read and approved.

On motion of Mr. Weston, Mr. Anderson was granted leave of absence during the remainder of this session.

Mr. Weston introduced H. B. No. 7, "An Act to re-enact an act to incorporate the Eldorado and Diamond City Wagon Road Company."

Read first and second time, rules suspended, considered engrossed, read third time, and passed.

Ayes—Messrs. Comly, Gallaher, Kennerly, Patton, Rhodes, Tennant, Weston, and Mr. Speaker—8.

Nays—Messrs. Boswell and Word—2.

Absent—Messrs. Anderson, Edwards, and Simms.

The title was agreed to.

Mr. Weston, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Committee to whom was referred H. B. No. 6, beg leave to report that they have examined witnesses and documents referring to the case mentioned in the bill, and are of opinion that the same should pass.

Report received.

H. B. No. 6, "An Act to dissolve the bonds of matrimony between H. B. Steele and Roena A. Steele."

On motion of Mr. Comly, the rules were suspended, the bill considered engrossed, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Gallaher, Tennant, Weston, and Mr. Speaker—6.

Nays—Messrs. Kennerly, Patton, Rhodes, and Word—4.

Absent—Messrs. Anderson, Edwards, and Simms.

The title was agreed to.

Mr. Tennant, chairman Committee of Enrollment reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Joint Resolution No. 1 correctly enrolled.

Report received.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

MR. SPEAKER—I am directed by the Council to inform your honorable body, that Mr. Bagg has introduced C. B. No. 4, "An Act to amend an act entitled an act regulating the fees of officers, jurors and witnesses, approved Feb. 9, 1865."

That C. B. No. 2, "An Act to provide extra compensation to James Tufts," was lost.

On motion of Mr. Word, H. B. No. 1 was referred to Committee on Judiciary.

C. B. No. 5, "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier, was read first and second time, and referred to the Committee on Judiciary.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That C. B. No. 6, "An Act to prevent the collection of illegal toll," had passed the Council.

C. B. No. 6 was then read first and second time, and referred to the Committee on Incorporations.

On motion of Mr. Kennerly, the House took a recess until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson and Simms.

Mr. Kennerly, chairman of Select Committee, reported as follows :

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 5, with accompanying documents, have had the same under consideration, and beg leave to report: That upon examination of the county boundary lines as recently established by the Legislative Assembly, find that if any changes be made in said boundary lines it will cause confusion in the different counties interested, but in order to have a full investigation for the best interests of all parties concerned, your Committee recommend that H. B. No. 5 be considered in Committee of the Whole this evening, at three o'clock.

Report received.

Mr. Boswell, chairman of Select Committee, reported as follows :

MR. SPEAKER—Your Special Committee, to whom was referred Council Bill No. 1, "Providing for the holding of terms of probate court at Phillipsburg, in Deer Lodge county," beg leave to report the same back, and recommend its passage, with the following amendments :

In section first, sixth line, after the words "each year," insert the words "the weather permitting," before the words "and all."

Also, in eighth line, after the word "Phillipsburg," and before the words "and all," insert the words "and none other."

Also, in tenth line, after the word "thereof," and before "as," insert the words "if one shall be appointed by said court."

Report received.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. B. No. 6, "An Act to dissolve the bonds of matrimony existing between H. B. Steele and Roena A. Steele, had passed the Council.

The following communication was received from the Governor, through his private secretary:

MR. SPEAKER—I am directed by the Governor to inform the House that he has this day approved House Joint Resolution No. 1, "Authorizing the Auditor to issue certain warrants."

On motion of Mr. Comly, C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg, in said county," was referred to a Select Committee of three.

Messrs. Comly, Boswell, and Edwards, were appointed said committee.

Mr. Tennant, of the Judiciary Committee, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred C. B. No. 5, beg leave to report the bill back, with a recommendation that it pass.

Report received.

Mr. Tennant, chairman Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bill No. 6 correctly enrolled.

Report received.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That C. B. No. 7, "An Act providing for the purchase of a suitable safe for the offices of Auditor and Treasurer of Montana,"

And that C. J. R. No. 2, "Authorizing the Territorial Auditor to issue certain warrants,"

Had passed the Council.

C. B. No. 5, "An Act to dissolve the bonds of matrimony between Mary E. Lannier and Amos Lannier," was taken up, and,

On motion of Mr. Edwards, the rules were suspended, bill read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Patton, Tennant, Weston, and Mr. Speaker—7.

Nays—Messrs. Rhodes and Word—2.

Absent—Messrs. Anderson, Gallaher, Kennerly, and Simms.

The title was agreed to.

Mr. Rhodes, chairman of the Committee on Ways and Means, reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. J. R. No. 2, have had the same under consideration, and would respectfully recommend that the same be laid on the table.

Report received.

On motion of Mr. Boswell, H. J. R. No. 2, "To pay the Superintendent of Public Instruction," was indefinitely postponed.

C. B. No. 7, "An Act providing for the purchase of a suitable safe for the offices of the Auditor and Treasurer of Montana," was read first and second time, rules suspended, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Rhodes, Tennant, Word, and Mr. Speaker—8.

Nays—None.

Absent—Messrs. Anderson, Kennerly, Patton, Simms, and Weston.

The title was agreed to.

C. J. R. No. 2, "Authorizing the auditor to issue certain warrants," was read first and second time, and, on motion of Mr. Word, was indefinitely postponed.

Mr. Edwards moved to reconsider the vote.

Motion lost.

The House then went into Committee of the Whole, to consider H. B. No. 5.

Mr. Comly in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Comly, chairman, reported as follows:

MR. SPEAKER—The Committee of the Whole, to whom was referred H. B. No. 5, beg leave to report, that they have had the same under consideration, and report the bill back, and recommend that it be considered in its general order, and do pass.

Report received.

Mr. Boswell moved a call of the House.

On motion, the call was dispensed with.

The following communication was received from the Council, through Mr. Menaugh, their Assistant Clerk:

That C. B. No. 8, "An Act to amend an act entitled an act relating to the support of the poor," had passed the Council.

And that C. B. No. 9, "An Act divorcing Rosa V. Vanblender and Abram H. Vanblender," had passed the Council.

Mr. Word, chairman of the Judiciary Committee, reported as follows:

MR. SPEAKER—Your Judiciary Committee, to whom was referred House Bill No. 1, being "An Act to regulate proceedings in civil cases in the courts of justice of Montana Territory," beg leave to report the same back to the House, with the recommendation that the same pass, with the following amendments:

Amend section 51, striking out all between the word "attorney," in the 1st line, and the word "except," in the 2nd line, and in lieu thereof, insert the words "and shall not."

Add the following sections:

"SEC. 504. That all acts and parts of acts heretofore passed and now existing conflicting herewith, are hereby repealed, excepting the following portions of an act entitled 'An Act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana, approved 1865': Title XX, 'Proceedings in justices' courts in civil cases,' Title XXI, 'Forcible entry and unlawful detainer,' Title XVIII, 'Courts of justice of this Territory.'

"SEC. 505. This act shall not be so construed as to affect any suit or suits that may be pending in any court or courts of this Territory at the time of the passage and approval of this act.

"SEC. 506. This act to take effect and be in force from and after its passage and approval."

Report received.

H. B. No. 5 was then read for information.

The following communication was received from the Governor, through Mr. Cummings, his private secretary:

MR. SPEAKER—I am directed by the Governor to inform the House, that he has approved House Bill No 6, "An Act to dissolve the bonds of matrimony existing between H. B. Steele and Roena A. Steele."

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That C. B. No. 4, "An Act to amend an act entitled an act regulating the fees of officers, jurors and witnesses," had passed the Council.

H. B. No. 5 was then put upon its final passage, considered engrossed, and read third time by title.

On motion of Mr. Word, the vote by which H. B. No. 5 passed to its third reading, was reconsidered, and the bill was referred to a Select Committee of three.

Messrs. Gallaher and Edwards were appointed such committee, and, on motion of Mr. Edwards, the Speaker was added to their number.

On motion of Mr. Word, the amendments offered by the Judiciary Committee to H. B. No. 1 were adopted, and the bill read second time.

On motion, the rules were suspended, bill considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Gallaher, Kennerly, Patton, Rhodes, Tennant, Weston, Word, and Mr. Speaker—10.

Nay—Mr. Edwards.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

On motion of Mr. Weston, the House adjourned to 9 A. M. tomorrow.

SIXTH DAY.

DECEMBER 19, 1867.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called. Absent—Messrs. Anderson, Edwards, and Simms.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Patton in the chair.

On motion of Mr. Stewart, the suspension of the rule fixing the time for assembling at 10 o'clock A. M., was dispensed with.

Mr. Weston, chairman of the Committee on Incorporations, reported as follows:

MR. SPEAKER—Your Committee on Incorporations, to whom was referred C. B. No. 6, "An Act to prevent the collection of illegal tolls," having had the same under consideration, report it back to the House, and recommend that it pass, with the following amendment: In eighth line of section 1st, after the word "in," strike out the word "double," and insert "three times."

Report received.

Mr. Tennant, chairman of the Committee on Military Affairs, reported as follows:

MR. SPEAKER—Your Military Committee, to whom was referred H. B. No. 2, "An Act organizing and disciplining the

militia of the Territory of Montana," beg leave to report the same back, and recommend that it be considered in Committee of the Whole.

Report received.

Mr. Gallaher, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana," would recommend that the names of the corporators should be selected from farmers, mechanics and miners, as far as is practicable, and that the bill pass.

Report received.

H. B. No. 2 was then read, for information.

Mr. Stewart offered the following amendment: Amend section No. , by striking out the name of Wellington Stewart, and insert the name of Frank Wells therefor.

On motion of Mr. Word, the amendment was laid on the table. The bill was then ordered engrossed.

Mr. Word, by consent, introduced H. B. No. 8, "An Act amendatory of an act entitled an act concerning crimes and punishments."

Read first and second time, and on motion of Mr. Stewart, the rules were suspended, bill considered engrossed, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Patton, Rhodes, Word, Weston, and Mr. Speaker—8.

Nays—None.

Absent—Messrs. Anderson, Gallaher, Kennerly, Simms, and Tennant.

Title agreed to.

C. B. No. 9, "An Act amendatory of an act entitled an act relative to elections," was taken up, read first and second time, and referred to a select Committee of three.

Messrs. Weston, Tennant, and Edwards, were appointed such Committee.

Mr. Tennant, chairman of the Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bill No. 7 correctly enrolled.

Report received.

C. B. No. 6, "An Act to prevent the collection of illegal toll," was taken up, and, on motion, the amendments reported by the Committee on Incorporations, were adopted.

On motion of Mr. Word, the following amendment was adopted:

Add the following to section 1:

"And shall, in addition thereto, pay a fine of not less than fifty nor more than one hundred dollars, to be imposed and collected as fines in other cases; which fine shall be paid into the county treasury for the benefit of the school fund of the county where the offense is committed."

And, on motion of Mr. Word, the rules were suspended, amendments considered engrossed, bill read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Patton, Rhodes, Tennant, Word, Weston, and Mr. Speaker—10.

Nays—None.

Absent—Messrs. Anderson, Kennerly, and Simms.

The title was agreed to.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. B. No. 3, "An Act changing the name of Edgerton county to Lewis and Clarke county," had passed the Council, with amendments.

That Mr. Rand introduced C. B. No. 10, entitled "An Act to regulate the proceedings, and defining the jurisdiction of the probate courts of Montana Territory."

Also, C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. Winslett and Louisa M. Winslett."

That Mr. Watson introduced C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys."

On motion, the amendments of the Council to H. B. No. 3 were concurred in.

H. B. No. 2, "An Act for organizing and disciplining the militia of the Territory of Montana," was taken up, and referred to the Committee of the Whole. Special order for 2½ o'clock P. M.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. B. No. 8, "An Act amendatory of an act entitled an act concerning crimes and punishments," had passed the Council.

Mr. Tennant introduced H. J. R. No. 3, "Appropriating money for armory at Helena."

Read first and second time, and referred to Committee on Military Affairs.

Mr. Gallaher, by consent, introduced H. B. No. 9, "An Act amendatory of an act entitled an act relative to elections."

Read first and second time, and referred to a Select Committee of three.

Messrs. Boswell, Word, and Gallaher, were appointed such committee.

Mr. Weston, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred C. B. No. 9, having considered the same and examined the accompanying documents, most respectfully report it back to the House, and recommend that it do pass.

Report received.

C. B. No. 9, "An Act divorcing Rosa Vanblenden and Abram H. Vanblenden, was put upon its final passage, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Weston, and Mr. Speaker—5.

Nays—Messrs. Kennerly, Patton, Rhodes, and Word—4.

Absent—Messrs. Anderson, Gallaher, Simms, and Tennant.

The title was then agreed to.

On motion of Mr. Kennerly, the House took a recess until 2 o'clock, P. M.

2 O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson and Simms.

Mr. Tennant, chairman of the Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bills Nos. 3 and 8 correctly enrolled.

Report received.

Mr. Tennant, chairman of the Committee on Military Affairs, reported as follows:

MR. SPEAKER—Your Committee on Military Affairs, to whom was referred H. J. R. No. 3, "Appropriating for armory at Helena," beg leave to report the accompanying substitute, and recommend its passage.

Report received.

Mr. Boswell, chairman Select Committee, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred House Bill No. 9, respectfully report: That they have had the same under consideration, and beg leave to report the following as a substitute, and recommend its passage.

Report received.

The Select Committee, to whom was referred H. B. No. 5, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred House Bill No. 5, "An Act supplementary to and amendatory of an act to establish the boundary lines of the county of Jefferson," beg leave of the House to report the same back without recommendations.

Report received.

Mr. Patton introduced H. J. R. No. 4, "Authorizing the Auditor to draw warrants in favor of H. J. Johnston."

Read first and second time, rules suspended, resolution considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Kennerly, Patton, Weston, and Mr. Speaker—8.

Nays—Messrs. Rhodes and Word—2.

Absent—Messrs. Anderson, Simms, and Tennant.

The title was agreed to.

Mr. Comly, chairman of Committee of Engrossment, reported H. B. No. 4 correctly engrossed.

Report received.

Mr. Patton introduced H. J. R. No. 5, "Authorizing the Auditor to draw a certain warrant."

Read first and second time, rules suspended, considered engrossed, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Patton, Rhodes, Tennant, Word, Weston, and Mr. Speaker—10.

Nays—None.

Absent—Messrs. Anderson, Kennerly, and Simms.

The title was agreed to.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. and Louisa M. Winslett," had passed the Council.

The substitute to H. J. R., "Appropriating money for armory at Helena," was, on motion of Mr. Word, adopted.

On motion of Mr. Comly, the first clause was struck out.

Mr. Rhodes moved to lay the resolution on the table.

Motion lost by the following vote:

Ayes—Messrs. Boswell and Rhodes—2.

Nays—Messrs. Comly, Edwards, Gallaher, Kennerly, Patton, Tennant, Word, Weston, and Mr. Speaker—9.

Absent—Messrs. Anderson and Simms.

On motion of Mr. Tennant, the rules were suspended, resolution considered engrossed, read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Kennerly, Patton, Tennant, Weston, and Mr. Speaker—8.

Nays—Messrs. Boswell, Rhodes, and Word—3.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

H. B. No. 5, "An Act supplementary to and amendatory of an act entitled an act to establish the boundary lines of Jefferson county," was taken up.

On motion of Mr. Gallaher, the rules were suspended, the bill considered engrossed, and put upon its final passage.

Mr. Weston in the chair.

Mr. Stewart moved a call of the House.

On motion, the call was dispensed with.

H. B. No. 5 was then read third time, and lost.

Ayes—Messrs. Edwards, Gallaher, Patton, Word, and Weston—5.

Nays—Messrs. Boswell, Comly, Kennerly, Rhodes, Tennant, and Mr. Speaker—6.

Absent—Messrs. Anderson and Simms.

H. B. No. 9, "An Act amendatory of an act relative to elections," was taken up, and

On motion, the substitute reported by the Select Committee was adopted, rules suspended, considered engrossed, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Kennerly, Patton, Rhodes, Tennant, Word, Weston, and Mr. Speaker—9.

Nays—None.

Absent—Messrs. Anderson, Edwards, Gallaher, and Simms.

The title was agreed to.

H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana," was taken up.

Mr. Word moved to insert the names of all the members of the House as corporators.

Motion lost.

Mr. Stewart moved to suspend the rules, read the bill by title, and put it upon its final passage. Carried.

Mr. Edwards moved a call of the House.

On motion of Mr. Word, the call was dispensed with.

The bill was then read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Kennerly, Rhodes, Tennant, Weston, and Mr. Speaker—9.

Nay—Mr. Word.

Absent—Messrs. Anderson, Patton, and Simms.

The title was agreed to.

On motion of Mr. Rhodes, the House adjourned to 10 A. M. tomorrow.

SEVENTH DAY.

DECEMBER 20, 1867.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson and Simms.

Prayer by the Chaplain.

Journal of yesterday read and approved.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys," had passed the Council.

And that H. J. R. No. 4, "Authorizing the Auditor to draw warrants in favor of H. J. Johnston," had passed the Council.

Mr. Boswell, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred Council Bill No. 4, "An Act to amend an act entitled an act regulating the fees of officers, jurors and witnesses," beg leave to report that they have had the same under consideration, and recommend that the same do pass.

Report received.

The following communication was received from the Governor:

MR. SPEAKER—I am directed by the Governor to inform the House, that he has this day approved—

House Bill No. 7, entitled "An Act to re-enact an act entitled an act to incorporate the Eldorado and Diamond City Wagon Road Company."

Also, House Bill No. 3, entitled "An Act changing the name of Edgerton county to Lewis and Clarke county."

Also, House Bill No. 8, entitled "An Act amendatory of an act concerning crimes and punishments."

Mr. Comly, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg, in Deer Lodge county," beg leave to recommend that the bill pass, with the following amendments:

Amend section 1 by inserting between the word "Phillipsburg" and the word "and," in the 8th line, the words "and none other," and in 10th line, between the words "thereof" and "as," insert the words "if one shall be appointed by said court."

Report received.

Mr. Gallaher in the chair.

Mr. Comly, by consent, introduced H. B. No. 10, "An Act to incorporate the city of Helena."

Read first and second time, and referred to a Select Committee of three.

Messrs. Comly, Rhodes, and Tennant, were appointed such committee.

Mr. Word introduced H. C. R. No. 6, "Fixing the time for adjournment at 12 M. on Monday."

Mr. Boswell moved to lay the resolution on the table.

Motion lost by the following vote:

Ayes—Messrs. Boswell, Gallaher, Tennant, Weston, and Mr. Speaker—5.

Nays—Messrs. Comly, Edwards, Kennerly, Patton, Rhodes, and Word—6.

Absent—Messrs. Anderson and Simms.

Mr. Word moved a call of the House.

On motion of Mr. Boswell, the call was suspended.

On motion of Mr. Word, the resolution was adopted.

Mr. Speaker in the chair.

On motion of Mr. Tennant, H. B. No. 2 was taken from Committee of the Whole.

The bill was then read third time.

On motion of Mr. Word, the vote by which H. B. No. 2 was passed to its third reading, was reconsidered, and H. B. No. 2 was made special order for 3 o'clock, P. M., in Committee of the Whole.

Mr. Patton introduced H. J. R. No. 7, "Authorizing the Auditor to pay D. W. Tilton & Co."

Read first and second time, and referred to Committee on Ways and Means.

C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys," was read first time, and, on motion, was laid on the table.

C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. and Louisa M. Winslett," was read first and second time, and referred to a Select Committee of three.

Messrs. Boswell, Weston, and Patton, were appointed such committee.

Mr. Boswell moved a call of the House.

On motion, the call was dispensed with.

C. B. No. 1, "An Act providing for holding regular terms of the probate court of Deer Lodge county at Phillipsburg, in said county," was taken up.

On motion, the amendments reported by the Select Committee were adopted. The rules were then suspended, amendments considered engrossed, and the bill put upon its final passage.

Read third time, and passed.

Ayes—Messrs. Boswell, Comly, Kennerly, Rhodes, Tennant, and Mr. Speaker—6.

Nays—Messrs. Edwards, Gallaher, Patton, Weston, and Word—5.

Absent—Messrs. Anderson and Simms.

The title was then agreed to.

Mr. Kennerly in the chair.

C. B. No. 4, "An Act to amend an act regulating the fees of officers, jurors and witnesses," was taken up, and, on motion, was made special order in Committee of the Whole, at 2½ P. M.

A communication from the late Superintendent of Public Instruction was received and read.

On motion of Mr. Tennant, the House took a recess until 2 o'clock, P. M.

2 O'CLOCK, P. M.

The House resumed. Mr. Speaker in the chair.

Roll called. Absent—Messrs. Anderson, Patton, and Simms.

Mr. Boswell, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Committee, to whom was referred Council Bill No. 11, beg leave to report the same back to the House, and recommend that the bill, with accompanying documents, be read for information of the members, and that they dispose of the same as they may deem proper.

Report received.

On motion of Mr. Edwards, H. B. No. 2, "An Act providing for organizing and disciplining the militia of the Territory of Montana," was taken from the Committee of the Whole.

Mr. Comly moved to refer it to the Committee on Ways and Means.

Motion lost by the following vote :

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Nays—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Absent—Messrs. Anderson and Simms.

Mr. Word moved a call of the House.

On motion, the call was suspended.

The following communication was received from the Council, through Mr. Menaugh, their Assistant Clerk :

That H. C. R., "to adjourn at 12 M., on Monday," had been laid on the table.

Mr. Comly moved to refer H. B. No. 2 to the Committee on Federal Relations.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That C. B. No. 3, "An Act providing for the collection of the revenue," had passed the Council.

Mr. Boswell moved a call of the House.

On motion, the call was suspended.

Mr. Kennerly offered the following resolution :

Resolved, By the House of Representatives of the Legislative Assembly of the Territory of Montana, That His Excellency Green Clay Smith, Governor of this Territory, be, and is hereby invited to express his views in regard to the militia bill now pending before this House.

On motion of Mr. Tennant, the resolution was adopted.

The Governor then stated his views on the bill to the House.

Mr. Kennerly then offered the following resolution, which was unanimously adopted :

Resolved, By the House of Representatives of the Legislative Assembly of the Territory of Montana, That the thanks of this House are hereby tendered to His Excellency Green Clay Smith, for his enlightening remarks upon the question now pending before this House.

Mr. Boswell moved that the House take a recess until 6½ P. M.

Motion lost.

Mr. Boswell moved a call of the House.

On motion, the call of the House was suspended.

Mr. Word moved to take a recess until 6½ o'clock, P. M.

Ayes—Messrs. Boswell, Comly, Gallaher, Patton, Rhodes, and Word—6.

Nays—Messrs. Edwards, Kennerly, Tennant, Weston, and Mr. Speaker—5.

Absent—Messrs. Anderson and Simms.

The House then took a recess until 6½ o'clock, P. M.

6½ O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called. Absent—Messrs. Anderson, Kennerly, Patton, and Simms.

Mr. Comly moved to refer H. B. No. 2 to Committee on Federal Relations.

Mr. Kennerly moved a call of the House.

Call suspended.

Mr. Comly moved to adjourn.

Ayes and nays demanded. Motion lost by the following vote:

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Nays—Messrs. Edwards, Gallaher, Kennerly, Tennant, and Mr. Speaker—5.

Absent—Messrs. Anderson, Simms, and Weston.

Mr. Comly moved a call of the House.

Call suspended.

Mr. Edwards moved to adjourn.

Motion lost.

Mr. Word moved to indefinitely postpone.

Mr. Edwards moved the previous question. Carried.

Ayes—Messrs. Boswell, Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—7.

Nays—Messrs. Comly, Rhodes, Patton, and Word—4.

Absent—Messrs. Anderson and Simms.

The motion to refer was then put, and lost.

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Nays—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Absent—Messrs. Anderson and Simms.

The motion to indefinitely postpone was then put, and lost.

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Nays—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Absent—Messrs. Anderson and Simms.

Mr. Comly moved to refer the bill to the Committee on Territorial Affairs.

Mr. Boswell in the chair.

Mr. Comly moved to adjourn.

Motion lost by the following vote:

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Nays—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Absent—Messrs. Anderson and Simms.

The motion to refer H. B. No. 2 to Committee on Territorial Affairs, was then put, and carried.

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, Tennant, Word, and Mr. Speaker—7.

Nays—Messrs. Edwards, Gallaher, Kennerly, and Weston—4.

Absent—Messrs. Anderson and Simms.

The House then resolved itself into Committee of the Whole, to consider C. B. No. 4. Mr. Comly in the chair.

House resumed. Mr. Speaker in the chair.

Mr. Comly, chairman of the Committee of the Whole, was granted time to report.

On motion of Mr. Word, the House adjourned.

EIGHTH DAY.

DECEMBER 21, 1867.

House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called. Absent—Messrs. Anderson, Gallaher, Patton, and Simms.

Prayer by the Chaplain.

Journal of yesterday read and approved.

Mr. Word offered the following resolution, which was adopted :

Resolved, That after to-day, the 21st of December, 1867, there shall be no more new bills introduced into this House.

Mr. Tennant, chairman of the Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Joint Resolution No. 4 correctly enrolled.

Report received.

C. B. No. 3, "An Act to provide for collecting the revenue," was taken up, read first and second time, and, on motion of Mr. Boswell, the rules were suspended, and the bill put upon its final passage. Read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Kennerly, Rhodes, Tennant, Word, Weston, and Mr. Speaker—10.

Nay—Mr. Patton.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

The following communication was received from the Council through Mr. Menaugh, their Assistant Clerk :

That Mr. Rand introduced C. B. No. 13, "An Act to provide for the government of the Penitentiary of the Territory of Montana."

That Mr. Corum introduced C. B. No. 14, "An Act repealing part of section 5 of an act entitled an act relating to the discovery of gold and silver quartz leads, lodes or ledges, and the manner of their location."

That the Council has concurred in the House amendments to C. B. No. 1, "An Act providing for the holding of probate courts at Phillipsburg, in Deer Lodge county."

Mr. Comly, chairman of Select Committee, reported as follows :

MR. SPEAKER—Your Select Committee, to whom was referred H. B. No. 10, "An Act to incorporate the city of Helena," respectfully report the bill back, and recommend that it pass, with the following amendments :

In section 2, twenty-first line, strike out the word "other," between the words "such" and "offices," and substitute the word "police."

At the end of section 2, add the following : "The mayor shall be ex officio recorder and justice of the peace."

In section 15, at the beginning of said section, insert "F. B. Miller."

Same section, after "Helena," strike out the remainder of section, and add the following : "And at said election, to be held on the third Monday in January, A. D. 1868, there shall be submitted to the qualified electors under this act, the question of accepting or rejecting this charter, and the ballots shall be in the following form : 'For the charter,' and 'Against the charter.' If a majority of the votes so cast be 'for the charter,' this act shall remain in full force, and the commissioners shall proceed to declare the election of officers, as hereinafter provided. Should a majority of the votes so cast be 'against the charter,' this act shall be null and void."

Add the following section to the bill :

"SECTION 16. The commissioners herein named shall assemble on the first Saturday after the election and canvass the returns

thereof, and should a majority of the votes cast be 'for the charter,' they shall then declare the persons receiving the highest number of votes for mayor and aldermen, duly elected under the authority of this act."

Report received.

Mr. Comly, chairman of the Committee of the Whole, reported as follows :

MR. SPEAKER—Your Committee of the Whole, to whom was referred C. B. No. 4, beg leave to report the same back, and recommend its passage, with the following amendments:

In sixth line, section one, strike out the word "each," and substitute therefor, the word "first."

At the end of section five, add the following :

"*Provided further*, That Gallatin county is excepted and exempted from the operation of this act, and that an act entitled 'An Act regulating the fees of officers, jurors and witnesses, approved Feb. 9, 1865,' be, and the same is hereby declared to be in force in Gallatin county."

All of which is respectfully submitted.

Report received.

Mr. Comly presented a petition from citizens of Edgerton county, asking for a city charter.

Received and read.

H. B. No. 10 was then taken up, and on motion, the amendments reported by the Select Committee were adopted by the following vote :

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Word, Weston, and Mr. Speaker—7.

Nays—Messrs. Patton, Rhodes, and Tennant—3.

Absent—Messrs. Anderson, Kennerly, and Simms.

H. B. No. 11, "An Act to amend an act entitled an act for the location of the seat of government in and for the Territory of Montana," was read first and second time, and referred to Committee on Ways and Means.

The amendments offered by the Committee of the Whole to C. B. No. 4 were, on motion, concurred in.

Mr. Comly offered the following amendment, which was adopted:

“And it is still further provided, that the counties of Jefferson, Choteau and Meagher are hereby exempted from the operation of this act, saving and excepting the provisions of this act referring to the recording of quartz claims and making abstracts of title.”

C. B. No. 4, “An Act to amend an act regulating the fees of officers, jurors and witnesses,” was then put upon its final passage.

Rules suspended, read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Kennerly, Patton, Rhodes, Tennant, Word, Weston, and Mr. Speaker—10.

Nay—Mr. Boswell.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

On motion of Mr. Boswell, the House took a recess until 2 o'clock, P. M.

2 O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson and Simms.

Mr. Rhodes, chairman, presented the following majority report from the Committee of Ways and Means:

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. B. No. 11, “An Act to amend an act entitled an act for the location of the seat of government in and for the Territory of Montana,” respectfully recommend that the bill pass, with the following amendments:

Amend section one by striking out the word "two" in the third line, and substitute the word "three" therefor; and at the end of the section, add the following: "and Helena City, Lewis and Clarke county, Territory of Montana."

All of which is respectfully submitted.

Report received.

Mr. Gallaher presented minority report, as follows:

MR. SPEAKER—Your Committee and James Gallaher not being able to agree with the majority of Committee on Ways and Means, would beg leave to report the bill back to the House, with a recommendation that it pass without amendments.

Report received.

Mr. Boswell, chairman of the Committee on Territorial Affairs, reported as follows:

MR. SPEAKER—The chairman of Committee upon Territorial Affairs, to whom was referred H. B. No. 2, would respectfully report:

That they have had the same under consideration, and believe that it is necessary to have at least a portion of the officers provided for in this bill, and your Committee beg leave to report the bill back to the House for their wise deliberation as they may deem proper.

Report received.

Mr. Kennerly introduced H. J. M. No. 8, "Praying for an appropriation from Congress to remove obstructions in the Upper Missouri river between the mouth of Milk river and Fort Benton, M. T."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Kennerly, Patton, Rhodes, Tennant, Word, Weston, and Mr. Speaker—11.

Nays—None.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

Mr. Tennant, by consent, introduced H. B. No. 12, "An Act

to provide extra compensation to the Secretary of Montana Territory."

Read first and second time, and,

On motion of Mr. Kennerly, the rules were suspended, bill considered engrossed, read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—7.

Nays—Messrs. Boswell, Patton, Rhodes, and Word—4.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

Mr. Kennerly, by consent, introduced H. B. No. 13, "An Act to repeal an act entitled an act to incorporate the Upper Missouri River Steamboat Navigation Company."

Read first and second time, rules suspended, bill considered as engrossed, read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Kennerly, Patton, Rhodes, Tennant, Weston, and Mr. Speaker—9.

Nays—None.

Absent—Messrs. Anderson, Boswell, Simms, and Word.

The title was agreed to.

Mr. Tennant, by consent, introduced H. B. No. 14, "An Act to re-enact an act entitled an act to authorize Owen Gilmore and M. P. Lowry to establish and maintain a ferry or toll bridge across Sun river."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Patton, Rhodes, Tennant, Word, and Mr. Speaker—8.

Nays—Messrs. Kennerly and Weston—2.

Absent—Messrs. Anderson, Boswell, and Simms.

The title was agreed to.

The following communication was received from the Governor, through Mr. H. Cummings, his Private Secretary :

MR. SPEAKER—I am directed by the Governor to inform the House, that he has approved House Joint Resolution No. 4, "Authorizing the Auditor to draw warrants in favor of H. J. Johnston."

H. B. No. 2, "An Act for organizing and disciplining the militia of the Territory of Montana," was taken up.

Mr. Comly offered the following amendments :

Amend the bill by striking out all but the first and last sections.

Mr. Word in the chair.

Mr. Stewart moved to lay the amendments on the table.

Motion carried by the following vote :

Ayes—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Nays—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Absent—Messrs. Anderson and Simms.

Mr. Comly moved a call of the House.

Call suspended.

Mr. Speaker in the chair.

Mr. Word offered the following amendment :

"*Provided*, That the provisions of this act shall not in any way be so construed as to compel any citizen to perform military duty unless the same be voluntary upon the part of the citizen."

Mr. Kennerly moved to lay the amendment on the table.

Motion adopted by the following vote :

Ayes—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Nays—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Absent—Messrs. Anderson and Simms.

Mr. Comly offered the following amendment :

Amend section 2. Strike out all after the word "years" in the second line.

Mr. Word moved to amend the amendment as follows :

"*Provided*, That the number of major-generals, brigadier-generals, colonels, and majors, shall not exceed the number of forty-nine each, and shall receive no compensation at the hands of the Territory."

Mr. Weston moved to lay both amendments on the table.

Motion adopted by the following vote :

Ayes—Messrs. Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Nays—Messrs. Boswell, Comly, Patton, Rhodes, and Word—5.

Absent—Messrs. Anderson and Simms.

Mr. Kennerly offered the following resolution, which was adopted :

Resolved, By the House of Representatives of the Territory of Montana, That the thanks of this House are hereby extended to Mr. Shields, the Chief Clerk of the House of Representatives, for his services during the prolonged debates upon the militia bill now pending before this House.

The following communication was received from the Council, through Mr. Menaugh, their Assistant Clerk :

That H. B. No. 1, "An Act to regulate proceedings in civil cases in the courts of justice of the Territory of Montana," had passed the Council, with amendments.

On motion of Mr. Comly, H. B. No. 2 was then put upon its final passage, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—7.

Nays—Messrs. Boswell, Patton, Rhodes, and Word—4.

Absent—Messrs. Anderson and Simms.

The title was agreed to.

Mr. Comly gave notice that he would on Monday move a reconsideration of the vote by which H. B. No. 2 had passed.

Mr. Kennerly offered H. J. R. No. 12, "To adjourn, *sine die*, at 6 P. M."

Read first time, and laid on the table.

On motion of Mr. Word, the Council amendments to H. B. No. 1 were concurred in, and the bill, with amendments, ordered enrolled.

On motion of Mr. Word, the Chief Clerk was empowered to employ extra clerks for the purpose of enrolling H. B. No. 1.

H. B. No. 11, "An Act to amend an act entitled an act for the location of the seat of government in and for the Territory of Montana," was then taken up.

Mr. Boswell moved to indefinitely postpone the bill.

Motion lost by the following vote:

Ayes—Messrs. Boswell, Patton, Tennant, and Word—4.

Nays—Messrs. Comly, Gallaher, Rhodes, Weston, and Mr. Speaker—5.

Absent—Messrs. Anderson, Edwards, Kennerly, and Simms.

Mr. Comly moved, that the amendments reported by the majority of the committee be adopted.

Motion lost by the following vote:

Ayes—Messrs. Boswell, Comly, Rhodes, and Tennant—4.

Nays—Messrs. Gallaher, Patton, Weston, Word, and Mr. Speaker—5.

Absent—Messrs. Anderson, Edwards, Kennerly, and Simms.

Mr. Comly moved a call of the House.

Call suspended.

On motion of Mr. Tennant, the House then adjourned to 10 o'clock A. M. on Monday.

TENTH DAY.

DECEMBER 23, 1867.

The House met pursuant to adjournment. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson and Simms.

Prayer by the chaplain.

Journal of yesterday read and approved.

Mr. Comly, chairman of Committee on Engrossment, reported as follows :

MR. SPEAKER—Your Committee of Engrossment, to whom was referred H. B. No. 10, "An Act to incorporate the city of Helena," respectfully report the same correctly engrossed.

Report received.

Mr. Rhodes, chairman of Committee on Ways and Means, reported as follows :

MR. SPEAKER—Your Committee on Ways and Means, to whom was referred H. J. R. No. 7, have had the same under consideration, and believing that the amount so charged in said resolution, is justly chargeable to the General Government, your Committee would recommend that said resolution be laid on the table.

Report received.

H. B. No. 10, "An Act to incorporate the city of Helena," was taken up.

Mr. Comly, by consent, offered the following amendment, which was adopted :

Amend section three, 7th line, by striking out the words "a freeholder."

On motion, the rules were suspended, amendment considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Patton, Rhodes, Tennant, Weston, Word, and Mr. Speaker—10.

Nays—None.

Absent—Messrs. Anderson, Kennerly, and Simms.

The title was agreed to.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That C. B. No. 13, "An Act to define the duties of Territorial Superintendent of Public Instruction," had passed the Council.

And that C. B. No. 10, "An Act to regulate the proceedings and define the jurisdiction of the probate courts of this Territory," had passed the Council.

On motion of Mr. Comly, the vote by which H. B. No. 2, "An Act to provide for organizing and disciplining the militia of the Territory of Montana," had passed, was reconsidered.

Mr. Boswell offered the following amendments, which were adopted:

Amend in section two, 4th line, after the words "salary of," strike out "1,000 dollars," and insert "six hundred dollars," in lieu thereof.

In section 22, strike out all of said section after the words "which call is made."

¶ On motion, the rules were suspended, bill, with amendments, considered engrossed, and put upon its final passage.

Mr. Boswell moved a call of the House.

Call suspended.

H. B. No. 2 was then read third time by title, and passed.

Ayes—Messrs. Boswell, Edwards, Gallaher, Tennant, Word, and Mr. Speaker—6.

Nays—Messrs. Comly, Rhodes, Patton, and Weston—4.

Absent—Messrs. Anderson, Kennerly, and Simms.

The title was agreed to.

C. B. No. 10, "An Act to regulate the proceedings and defining the jurisdiction of the probate courts of this Territory," was taken up, read first and second time, rules suspended, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Patton, Rhodes, Word, Weston, and Mr. Speaker—9.

Nays—Messrs. Anderson, Kennerly, Simms, and Tennant.

The title was agreed to.

Mr. Comly in the chair.

Mr. Stewart, by consent, introduced H. B. No. 15, "An Act to dissolve the bonds of matrimony existing between G. Jules Germain and Marie Germain.

Read first and second time, rules suspended, bill considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Edwards, Gallaher, Kennerly, Patton, Weston, and Mr. Speaker—7.

Nay—Mr. Comly.

Absent—Messrs. Anderson, Rhodes, Simms, Tennant, and Word.

The title was agreed to.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That C. B. No. 15, "An Act amendatory of an act entitled an act to define the boundary lines of Deer Lodge, Beaver Head, and Madison counties," had passed the Council.

That C. B. No. 16, "An Act to legalize the location of quartz claims in the Territory of Montana," had passed the Council.

And that H. J. R. No. 3, "Appropriating money for armory at Helena," had passed the Council, with amendments.

Mr. Gallaher, by consent, introduced H. B. No. 16, "An Act to dissolve the bonds of matrimony between George W. Hacker and Mary Jane Hacker."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Pattor, Weston, and Mr. Speaker—7.

Nay—Mr. Tennant.

Absent—Messrs. Anderson, Kennerly, Rhodes, Simms, and Word.

The title was agreed to.

On motion of Mr. Stewart, C. B. No. 12, "An Act in relation to the appointment of deputy district attorneys," was taken from the table, read second and third time, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Kennerly, Patton, Rhodes, Tennant, Word, and Mr. Speaker—9.

Nays—None.

Absent—Messrs. Anderson, Gallaher, Simms, and Weston.

The title was agreed to.

Mr. Speaker in the chair.

C. B. No. 13, "An Act to define the duties of the Territorial Superintendent of Public Instruction," was taken up.

Read first and second time, and referred to a Select Committee of three. Messrs. Word, Comly, and Rhodes, were appointed such Committee.

Mr. Word, by consent, introduced H. B. No. 17, "An Act to repeal an act to incorporate the city of Nevada."

Read first and second time, and, on motion, the rules were suspended, bill considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Comly, Gallaher, Kennerly, Patton, Rhodes, Word, Weston, and Mr. Speaker—9.

Nays—None.

Absent—Messrs. Anderson, Edwards, Simms, and Tennant.

The title was agreed to.

Mr. Gallaher, by consent, introduced H. B. No. 18, "An Act to dissolve the bonds of matrimony existing between Edward McBroom and Margaret McBroom."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Edwards, Gallaher, Kennerly, Weston, and Mr. Speaker—6.

Nays—None.

Absent—Messrs. Anderson, Comly, Patton, Rhodes, Simms, Tennant, and Word.

The title was agreed to.

C. B. No. 15, "An Act amendatory of an act entitled an act defining the boundary lines of Deer Lodge, Beaver Head, and Madison counties, approved Dec. 10, 1867," was then taken up, read first and second time, rules suspended, read third time, and passed.

Ayes—Messrs. Boswell, Gallaher, Kennerly, Patton, Word, Weston, and Mr. Speaker—7.

Nays—Messrs. Comly, Edwards, and Rhodes—3.

Absent—Messrs. Anderson, Simms, and Tennant.

The title was agreed to.

Mr. Weston gave notice that he would, at 3 P. M., move to reconsider the vote by which C. B. No. 15 was passed.

Mr. Tennant, chairman of Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bill No. 1 correctly enrolled.

On motion of Mr. Gallaher, the House took a recess until 1½ o'clock, P. M.

1½ O'CLOCK, P. M.

[House resumed. Mr. Speaker in the chair.

Roll called. Absent—Messrs. Comly, Edwards, Kennerly, Patton, Anderson, and Simms.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That the Council refuses to concur in the House amendments to C. B. No. 4, "An Act to amend an act regulating the fees of officers, jurors and witnesses."

That H. B. No. 4, "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana," had passed the Council.

That C. J. R. No. 3, "Providing for paying L. C. Lee and others for arresting J. D. Judd," had passed the Council.

That C. B. No. 14, "An Act to provide for the government of the penitentiary of the Territory of Montana," had passed the Council, and

That H. J. R. No. 5, "Authorizing the auditor to draw a certain warrant," had passed the Council.

Mr. Weston, by consent, introduced H. B. No. 19, "An Act to re-enact an act entitled an act to authorize Ray W. Andrews to establish a ferry across the Missouri river."

Read first and second time, and, on motion, the rules were suspended, bill considered engrossed, read third time by title, and passed.

Ayes—Messrs. Comly, Gallaher, Rhodes, Tennant, Word, Weston, and Mr. Speaker—7.

Nays—None.

Absent—Messrs. Anderson, Boswell, Edwards, Kennerly, Patton, and Simms.

The title was agreed to.

H. B. No. 11, "An Act to amend an act entitled an act for the location of the seat of government in and for the Territory of Montana," was then read the third time.

Mr. Gallaher moved a call of the House.

On motion of Mr. Edwards, the call was suspended.

Mr. Comly moved to lay the bill on the table.

Motion carried by the following vote :

Ayes—Messrs. Comly, Edwards, Kennerly, Rhodes, Tennant, and Word—6.

Nays—Messrs. Gallaher, Patton, Weston, and Mr. Speaker—4.

Absent—Messrs. Anderson, Boswell, and Simms.

C. B. No. 16, "An Act to legalize the location of quartz claims in the Territory of Montana," was taken up, read first and second time, rules suspended, read third time, and passed.

Yeas—Messrs. Comly, Edwards, Patton, Rhodes, Tennant, Weston, Word, and Mr. Speaker—8.

Nay—Mr. Boswell.

Absent—Messrs. Anderson, Gallaher, Kennerly, and Simms.

The title was agreed to.

Mr. Comly moved a call of the House.

Call dispensed with.

C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. and Louisa M. Winslett," was taken up and put upon its final passage, read third time, and lost:

Ayes—Messrs. Boswell, Kennerly, Patton, Weston, and Mr. Speaker—5.

Nays—Messrs. Comly, Edwards, Gallaher, Rhodes, Tennant, and Word—6.

Absent—Messrs. Anderson and Simms.

Mr. Gallaher introduced H. J. M. No. 10, "Asking for an appropriation to remove obstructions to navigation in the Missouri river above the American Falls."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Yeas—Messrs. Boswell, Comly, Gallaher, Kennerly, Patton, Rhodes, Tennant, Weston, Word, and Mr. Speaker—10.

Nays—None.

Absent—Messrs. Anderson, Edwards, and Simms.

The title was agreed to.

Mr. Word gave notice that he would, at 4 o'clock, move to reconsider the vote by which C. B. No. 11 was lost.

Mr. Word, chairman of Select Committee, reported as follows:

MR. SPEAKER—Your Select Committee, to whom was referred Council Bill No. 13, being "An Act to define the duties of Territorial Superintendent of Public Instruction," beg leave to report the same back to the House, with the recommendation that the same pass, with the following amendments:

Amend section 2, by adding the following:

"*Provided*, That the clerks of the several school districts in the several counties of this Territory are hereby required to report according to law to the county superintendents of their respective counties, on or before the twentieth days of April and October of each year; and provided further, that all acts and parts of acts heretofore passed requiring the county treasurers of the several counties to pay over school moneys to the county superintendents, be, and the same are hereby repealed."

Report received.

C. B. No. 13, "An Act to define the duties of Territorial Superintendent of Public Instruction," was taken up, and on motion of Mr. Word, the amendments offered by the Select Committee were adopted, the rules were suspended, amendments considered engrossed, bill read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Kennerly, Patton, Rhodes, Tennant, Weston, Word, and Mr. Speaker—9.

Nays—None.

Absent—Messrs. Anderson, Boswell, and Simms.

The title was agreed to.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. B. No. 17, "An Act to repeal an act to incorporate the city of Nevada," had passed the Council.

That C. B. No. 17, "An Act concerning fines," had passed the Council.

That C. J. R. No. 4, "To provide compensation to S. Chamberlain and A. C. Hill for services rendered," had passed the Council.

That C. B. No. 14, No. 2, "An Act repealing part of section 5 of an act entitled an act relating to the discovery of gold and silver quartz leads, lodes or ledges, and the manner of their location," had passed the Council.

That H. B. No. 18, "An Act to dissolve the bonds of matrimony existing between Edward McBroom and Margaret McBroom," had passed the Council.

That H. B. No. 16, "An Act to dissolve the bonds of matrimony between George W. Hacker and Mary Jane Hacker," had passed the Council.

That H. B. No. 16, "An Act to dissolve the bonds of matrimony between G. Jules Germain and Marie Germain," had passed the Council.

That H. B. No. 12, "An Act to provide extra compensation to the Secretary of Montana Territory," had passed the Council.

C. B. No. 14, "An Act to provide for the government of the penitentiary of the Territory of Montana," was read first and second time, read third time, and passed.

Ayes—Messrs. Boswell, Edwards, Patton, Rhodes, Weston, and Mr. Speaker—6.

Nays—None.

Absent—Messrs. Anderson, Comly, Gallaher, Kennerly, Simms, Tennant, and Word.

The title was agreed to.

C. J. R. No. 4, "To provide compensation to S. Chamberlain and A. C. Hill," was read first and second time.

Mr. Rhodes moved a call of the House.

On motion, the call was suspended.

C. B. No. 14, No. 2, "An Act repealing part of section 5 of an act entitled an act relating to the discovery of gold and silver leads, lodes or ledges, and the manner of their location," was read first and second time, read third time, and passed.

Ayes—Messrs. Boswell, Edwards, Gallaher, Patton, Rhodes, Weston, and Mr. Speaker—7.

Nays—None.

Absent—Messrs. Anderson, Comly, Kennerly, Simms, Tennant, and Word.

The title was then agreed to.

C. B. No. 4, "An Act to amend an act regulating the fees of officers, jurors and witnesses," was taken up, and the House receded from their amendments by the following vote:

Ayes—Messrs. Boswell, Comly, Edwards, Patton, Rhodes, Tennant, Word, Weston, and Mr. Speaker—8.

Nays—Messrs. Gallaber and Kennerly—2.

Absent—Messrs. Anderson and Simms.

Mr. Tennant, chairman of the Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bills Nos. 15, 16 and 18 correctly enrolled.

Report received.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. J. M. No. 10, "Asking for an appropriation to remove obstructions in the Missouri river above the American Falls," had passed the Council.

That H. B. No. 10, "An Act to incorporate the city of Helena," had passed the Council.

That the Council refused to concur in the House amendments to C. B. No. 13, and ask the House to recede.

That H. B. No. 14, "An Act to re-enact an act entitled an act to authorize Owen Gilmore and M. P. Lowry to establish and maintain a ferry or toll bridge across Sun river," had passed the Council.

And that H. B. No. 19, "An Act to re-enact an act entitled an act authorizing Ray W. Andrews to establish a ferry across the Missouri river," had passed the Council.

Mr. Comly moved a call of the House.

On motion of Mr. Edwards, the call was suspended.

C. J. R. No. 4, "To provide compensation to S. Chamberlain and A. C. Hill," was then read for information.

Mr. Boswell moved to lay it on the table.

Motion lost by the following vote :

Ayes—Messrs. Boswell, Patton, Rhodes, and Word—4.

Nays—Messrs. Edwards, Gallaher, Kennerly, Weston, and Mr. Speaker—5.

Absent—Messrs. Anderson, Comly, Simms, and Tennant.

Mr. Word offered the following amendment, which was adopted :

Amend by inserting the names of "H. J. Johnston, Door Keeper, O. P. Thomas, Sergeant-at-Arms of the House."

On motion of Mr. Boswell, the bill was then referred to a Select Committee of three. Messrs. Boswell, Weston, and Edwards, were appointed such committee.

H. J. R. No. 3, "Appropriating money for Armory at Helena," was taken up, and

On motion of Mr. Rhodes, the House refused to concur in Council amendments.

C. B. No. 13, with Council amendments, was, on motion of Mr. Word, referred to a Committee of Conference.

Messrs. Word and Comly were appointed such committee on the part of the House.

Mr. Tennant, chairman Committee of Enrollment, reported as follows :

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bills Nos. 4, 10, 12 and 17, also, House Joint Memorial No. 10, and House Joint Resolution No. 5, correctly enrolled.

Report received.

On motion of Mr. Word, the vote by which C. B. No. 11 was lost was reconsidered.

Mr. Comly moved a call of the House.

On motion, the call was suspended.

C. B. No. 11, "An Act to dissolve the bonds of matrimony existing between John W. and Louisa M. Winslett, was then read third time, and passed.

Ayes—Messrs. Boswell, Gallaher, Kennerly, Tennant, Weston, and Mr. Speaker—6.

Nays—None.

Absent—Messrs. Anderson, Comly, Edwards, Patton, Rhodes, Simms, and Word.

The title was agreed to.

C. J. R. No. 3, "For paying L. C. Lee and others," was read first and second time, rules were suspended, read third time by title, and passed.

Ayes—Messrs. Boswell, Gallaher, Patton, Weston, and Mr. Speaker—5.

Nays—Messrs. Rhodes, and Tennant—2.

Absent—Messrs. Anderson, Comly, Edwards, Kennerly, Simms, and Word.

The title was agreed to.

Mr. Tennant, chairman of the Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bill No. 1 duly handed to the Governor, at 4 o'clock and twenty-five minutes this twenty-third day of December, 1867.

Also, as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bills Nos. 15, 16 and 18, duly handed to the Governor, December 23rd, 1867, at 4 P. M.

Reports received.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That Messrs. Corum and Cullen were appointed to act with the Committee of Conference from the House on C. B. No. 13.

Mr. Tennant introduced H. J. R. No. 11, "Authorizing the Auditor to draw certain warrants."

Read first and second time, rules suspended, considered engrossed, read third time by title, and passed.

Ayes—Messrs. Boswell, Edwards, Gallaher, Patton, Rhodes, Tennant, Weston, and Mr. Speaker—8.

Nays—None.

Absent—Messrs. Anderson, Comly, Kennerly, Simms, and Word.

The title was agreed to.

Mr. Gallaher introduced H. J. R. No. 12, "Indorsing the Indian policy advocated by Col. McClure."

Read first and second time.

Mr. Word moved to refer it to a Select Committee of three.

Motion adopted by the following vote:

Ayes—Messrs. Boswell, Comly, Kennerly, Patton, Rhodes, Tennant, Word, and Mr. Speaker—8.

Nays—Messrs. Edwards, and Gallaher—2.

Absent—Messrs. Anderson, Simms, and Weston.

Messrs. Word, Gallaher, and Comly, were appointed such committee.

The following message was received from the Governor, through his private secretary:

MR. SPEAKER—I am directed by the Governor to inform the House, that he has this day approved House Bill entitled "An Act to regulate proceedings in civil cases in the courts of justice of Montana Territory."

Mr. Patton gave notice that he would at 7 P. M. move to reconsider the vote by which C. J. R. No. 3 had passed.

On motion of Mr. Patton, the House took a recess until 6½ P. M.

6½ O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Anderson, Kennerly, Patton, and Simms.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That H. B. No. 13, "An Act to repeal an act entitled an act to incorporate the Upper Missouri River Steamboat Navigation Company," had been indefinitely postponed.

H. J. R. No. 7, "Authorizing the Auditor to pay D. W. Tilton & Co." was taken up, and, on motion of Mr. Comly, was laid on the table.

C. B. No. 17, "An Act concerning fines," was read first, second and third time, and passed.

Ayes—Messrs. Boswell, Comly, Rhodes, Tennant, Word, and Mr. Speaker—6.

Nays—Messrs. Edwards, Gallaher, Patton, and Weston—4.

Absent—Messrs. Anderson, Kennerly, and Simms.

The title was agreed to.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That H. B. No. 2, "An Act to provide for organizing and disciplining the militia of the Territory of Montana," had been indefinitely postponed.

On motion of Mr. Patton, the vote by which C. J. R. No. 3 had passed, was reconsidered.

Mr. Tennant offered the following amendment, which was adopted :

Strike out "two," and insert "one," before the word "hundred."

On motion of Mr. Edwards, the rules were suspended, amendment considered engrossed, and the resolution put upon its final passage.

Read third time by title, and passed.

Ayes—Messrs. Comly, Edwards, Gallaher, Patton, Rhodes, Tennant, Word, and Mr. Speaker—8.

Nays—None.

Absent—Messrs. Anderson, Boswell, Kennerly, Simms, and Weston.

The title was then agreed to.

The following communication was received from the Council, through Mr. Menaugh, their Assistant Clerk :

MR. SPEAKER—I am directed by the Council to inform your honorable body, that the Council concurs in the House amendments to C. B. No. 13, "An Act to define the duties of Superintendent of Public Instruction," submitted to Committee of Conference.

The House then took a recess until 9 o'clock, A. M.

MORNING SESSION.

DECEMBER 24, 1867.

House resumed. Mr. Speaker in the chair.

Roll called—Messrs. Anderson, Kennerly, Patton, and Simms, absent.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That H. J. R. No. 11, "Authorizing the Auditor to draw certain warrants," had passed the Council, with amendments.

That C. B. No. 18, "An Act in relation to invasion, and for other purposes," had passed the Council.

That the Council refuse to recede from their amendments to H. J. R. No. 13.

On motion of Mr. Word, the House concurred in Council amendments to H. J. R. No. 11.

The following communication from the Council, through Mr. Menaugh, their Assistant Clerk:

That the Council had concurred in House amendments to C. J. R. No. 3, and that the Council had passed a resolution inviting the House to meet them in joint session at 10½ A. M.

Mr. Tennant, chairman of Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment beg leave to report House Bills Nos. 14 and 19, also, H. J. M. No. 8, correctly enrolled.

Report received.

C. B. No. 18, "An Act in relation to invasion, and for other purposes," was read first and second time, and referred to a Select Committee of three.

Messrs. Word, Boswell, and Edwards, were appointed such committee.

The following communication was received from the Governor, through his assistant secretary, Mr. Brown :

MR. SPEAKER—I am directed by the Governor to inform the House that he has this day approved—

House Joint Memorial and Resolution No. 10, "Asking for an appropriation to remove obstructions in the Missouri river, above the American Falls."

Also, H. B. No. 4, entitled "An Act to promote the agricultural, mechanical and mineral interests of the Territory of Montana.

Also, House Bill No. 17, entitled "An Act to repeal an act to incorporate the city of Nevada."

Also, H. B. No. 10, entitled "An Act to incorporate the city of Helena."

Mr. Comly offered the following resolution, which was adopted :

Resolved, That the Council be invited to meet the House in Joint Session in the Hall of the House, at 10½ A. M., for the purpose of electing a Warden and Commissioners for the Territorial Penitentiary.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That H. B. No. 9, "An Act amendatory of an act entitled an act relative to elections," had passed the Council.

Mr. Boswell, chairman of Select Committee, reported as follows :

MR. SPEAKER—Your Select Committee, to whom was referred C. J. R. No. 4, would report, that they have had the same under consideration, and believe that the amount allowed by law is ample compensation to all attachees of this body, and beg leave to report the same back to the House, and recommend it do not pass.

Report received.

On motion of Mr. Rhodes, C. J. R. No. 4, with the amendments, were laid on the table.

The House then went into joint session.

House resumed. Mr. Speaker in the chair.

Roll called—Quorum present.

Mr. Word, chairman of Select Committee, reported as follows :

MR. SPEAKER—Your Select Committee to whom was referred C. B. No. 18, "An Act in relation to invasion, and for other purposes," beg leave to report the same back to the House, with the recommendation that all after the enacting clause of said bill be stricken out, and the following substituted, and that the same do pass.

Report received.

The following communication was received from the Governor, through Mr. H. Cummings, his private secretary :

MR. SPEAKER—I am directed by the Governor to inform the House that he has approved H. B. No. 24, "An Act to re-enact an act to authorize Owen Gilmore and M. P. Lowry to establish and maintain a ferry or toll bridge across Sun river."

Also, H. B. No. 12, "An Act to provide extra compensation to the Secretary of Montana Territory."

Also, H. J. M. No. 8, "Memorial praying for an appropriation by Congress of the United States, to remove obstructions to navigation on the Upper Missouri river, between the mouth of Milk river and Fort Benton, in the Territory of Montana."

On motion of Mr. Word, the substitute to C. B. No. 18 was adopted by the following vote :

Ayes—Messrs. Boswell, Edwards, Patton, Tennant, Word, and Mr. Speaker—6.

Nays—Messrs. Comly, and Rhodes—2.

Absent—Messrs. Anderson, Gallaher, Kennerly, Simms, and Weston.

Mr. Comly offered the following resolution, which was adopted :

Resolved, By the House, the Council concurring, that this Legislature adjourn *sine die*, this 24th of December, 1867, at 10 P. M.

C. B. No. 18 was then read third time, and passed.

Ayes—Messrs. Boswell, Edwards, Gallaher, Patton, Tennant, Word, Weston, and Mr. Speaker—8.

Nays—Messrs. Comly and Rhodes—2.

Absent—Messrs. Anderson, Kennerly, and Simms.

Mr. Comly offered the following amendment to the title :

Amend title, to read “An Act to provide the Governor with a staff.”

Mr. Word moved to lay the amendment on the table.

Motion carried.

Mr. Word offered the following amendment to the title, to read as follows :

“An Act to provide for the care and custody of the public arms of this Territory, and for other purposes.”

Mr. Comly moved to lay the amendment on the table.

Motion lost.

The amendment was then adopted by the following vote :

Ayes—Messrs. Boswell, Comly, Edwards, Gallaher, Patton, Word, Weston, and Mr. Speaker—8.

Nay—Mr. Rhodes.

Absent—Messrs. Anderson, Kennerly, and Simms.

The title as amended was then agreed to.

Mr. Tennant, chairman of the Committee on Enrollment, reported as follows :

MR. SPEAKER—Your Committee on Enrollment beg leave to report H. B. No. 9 and H. J. R. No. 11 correctly enrolled.

Report received.

Mr. Gallaher reported H. J. R. No. 12, "In relation to our Indian policy," by substitute.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That C. J. R. No. 6, "To appropriate three hundred dollars to J. B. Powell," had passed the Council.

C. J. R. No. 6, was taken up, read first and second time, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Patton, Rhodes, Word, Weston, and Mr. Speaker—7.

Nays—None.

Absent—Messrs. Anderson, Edwards, Gallaher, Kennerly, Simms, and Tennant.

The title was agreed to.

Mr. Gallaher moved a call of the House.

On motion, the call was dispensed with.

Mr. Comly moved to lay the substitute to H. J. R. No. 12 on the table.

On motion of Mr. Word, the House took a recess until 2 P. M.

2 O'CLOCK, P. M.

House resumed. Mr. Speaker in the chair.

Roll called—Absent, Messrs. Edwards, Anderson, Gallaher, Kennerly, Patton, and Simms.

Mr. Word offered substitute to H. J. R. No. 12.

Substitute adopted.

Rules suspended, considered engrossed, read third time, and passed.

Ayes—Messrs. Boswell, Comly, Edwards, Patton, Rhodes, Word, and Mr. Speaker—7.

Nays—Messrs. Gallaher and Weston—2.

Absent—Messrs. Anderson, Kennerly, Simms, and Tennant.

The title was agreed to.

The following communication was received from the Governor, through his private secretary :

MR. SPEAKER—I am directed by the Governor to inform the House, that he has this day approved H. J. R. No. 5, "Authorizing the Auditor to draw a certain warrant."

The following communication was received from the Council, through Mr. Menaugh, their Assistant Clerk :

That House substitute to C. B. No. 18, "An Act in relation to invasion, and for other purposes," had been indefinitely postponed, and,

That C. B. No. 19, "An Act amendatory of an act entitled an act to regulate proceedings in civil cases in the courts of justice of Montana Territory," had passed the Council.

And that the Council had passed the following resolution :

Resolved, That a Committee of three be appointed to wait on the Governor, to act with a similar committee from the House, to inform him that they have completed their business, and have adopted a joint resolution to adjourn this day, at ten o'clock, P. M., and inquire if His Excellency has any further communication to make.

And that the Council has appointed Messrs. Corum, Cullen, and Davis, as such Committee.

C. B. No. 19 was taken up, read first and second time, and,

On motion of Mr. Comly, the rules were suspended, and bill put upon its final passage.

Read third time, and passed.

Ayes—Messrs. Comly, Edwards, Patton, Rhodes, Word, Weston, and Mr. Speaker—7.

Nay—Mr. Boswell.

Absent—Messrs. Anderson, Gallaher, Kennerly, Simms, and Tennant.

The title was agreed to.

The resolution of the Council appointing a Committee to wait upon the Governor was then, on motion, concurred in, and Messrs. Boswell, Tennant, and Patton, were appointed such committee on the part of the House.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk :

That H. J. R. No. 12 had passed the Council, with the following amendment :

Amend title by inserting "Memorial" instead of "Resolution."

On motion, the amendment of the Council was concurred in.

The following communication was received from the Governor through Mr. H. Cummings, his private secretary :

MR. SPEAKER—I am directed by the Governor to inform the House, that he has approved H. B. No. 16, "An Act to dissolve the bonds of matrimony existing between George W. Hacker and Mary J. Hacker."

Also, H. B. No. 15, "An Act to dissolve the bonds of matrimony existing between G. Jules Germain and Marie Germain."

Also, H. B. No. 18, "An Act to dissolve the bonds of matrimony existing between Edward McBroom and Margaret McBroom."

On motion of Mr. Weston, the House took a recess until six o'clock, P. M.

6 O'CLOCK, P. M.

The House resumed. Mr. Speaker in the chair.

Roll called—Quorum present.

Mr. Tennant, chairman Committee on Enrollment, reported as follows:

MR. SPEAKER—Your Committee on Enrollment, beg leave to report H. J. M. No. 12 correctly enrolled.

Report received.

Mr. Comly offered the following resolution:

Resolved, By the House, the Council concurring, that this Legislative Assembly adjourn *sine die*, at seven P. M. this twenty-fourth day of December, and resolution to adjourn at 10 P. M., be hereby annulled.

On motion of Mr. Word, it was adopted.

The following communication was received from the Council, through Mr. Wade, their Chief Clerk:

That Council concurred in House Resolution to adjourn *sine die* at seven P. M., this twenty-fourth day of December.

The following communication was received from the Governor, through Mr. Brown, his private secretary:

MR. SPEAKER—I am directed by the Governor to inform the House that he has this day approved H. J. M. No. 12, "In relation to Indians, and the policy of the government regarding the same."

The Journal was then read and approved.

The hour having arrived for adjournment, the Speaker declared the House adjourned *sine die*.

WELLINGTON STEWART,

Speaker.

Attest: F. A. SHIELDS, \

Chief Clerk.

VIRGINIA CITY, MONTANA TERRITORY, }
December 24, 1867. }

I hereby certify, that the foregoing is a true and correct journal of the proceedings of the House of Representatives, Extra Session of the Fourth Legislative Assembly of the Territory of Montana.

F. A. SHIELDS,

Attest :

Chief Clerk.

WELLINGTON STEWART,

Speaker of the House of Representatives.

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